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item, and having at least one character feature generally present on said exterior surface.

REMARKS

The Examiner rejected Claims 1-7, 10, 14-18, and 21-26 under 102(b) as being anticipated by a reference to Guglielmi.

Further, the Examiner rejected Claims 8, 9, 19, and 20 under 103(a) as being obvious in view of Guglielmi in view of Mills ('529).

Applicant believes that the subject matter of original Claim 1 is patentable over the prior art. Specifically, Applicant asserts that the Examiner mis-characterized the subject matter of Claim 1 in the Examiner's explanation of why Claim 1 was anticipated. Specifically, the Examiner stated that "Guglielmi discloses a combination flexible planar item and character comprising a flexible item when manipulated takes on the appearance of a character comprising a character body having an exterior surface and having at least one character feature generally present on said exterior surface as seen in Figure 1."

However, Applicant disagrees with Examiner's characterization of Applicant's invention. Specifically, the claim includes "a flexible planar item, that when manipulated, takes on the appearance of a character, said character comprising said planar item arranged to form a character body". None of the

references cited provide such a planar item. Specifically, the Guglielmi reference merely provides a planar structure having a character thereon and does not teach a planar item arranged to form a character body. Therefore, the characterization by the Examiner, that Guglielmi provides all of the elements of the presently claimed invention is erroneous.

With regard to obviousness, the Guglielmi reference does not teach or suggest such a structure, nor does the Mills '529 reference. Specifically, as stated above, the Guglielmi reference merely provides a planar item with a character attached thereto and does not teach a planar item arranged to form a character body. With regard to the Mills '529 reference, the planar item does not form the planar item, but rather, is stuffed into the body of the character. None of the other references provided teach or suggest such a structure.

Accordingly, Applicant believes that this Claim is patentable over the Guglielmi reference and all of the references cited in this case. Applicant respectfully requests that the Examiner withdraw the rejection of this claim and allow Claim 1 and its dependents upon this basis.

Claim 15 has been amended to clarify that the fringe in this embodiment is utilized as a characteristic of the character. None of the prior art references teach or suggest the use of a portion of the planar item as a characteristic, nor do they specifically utilize fringe to form such an element. Therefore,

this claim is patentable over the prior art and, accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of this claim and allow Claim 15.

With respect to original Claims 19, and 20, the Examiner argued that folding of any manner is widely practiced in the art and, therefore, Claims 19 and 20 were obvious in view of Guglielmi. Although it is true that folding is known in the art, the Examiner failed to provide any reference wherein folding in such a way to create the body of a character is shown, taught, or suggested, especially with respect to the particular way claimed. Upon this basis, Applicant respectfully requests that the rejection of these claims be withdrawn and that these claims be allowed.

Applicant has amended Claims 22 and 23 to clarify that the planar item, when manipulated, forms a portion of the exterior of the character. The Guglielmi reference does not teach this feature and, therefore, these claims and there dependents can no longer be anticipated by the Guglielmi reference upon this basis. Specifically, patent law provides that every feature of the proposed invention must be specifically taught in a prior art reference in order for the invention to be deemed anticipated by the reference. In this case, the Guglielmi reference does not teach the use of the planar item as a portion of the body of the character. The Guglielmi reference merely provides a character mounted to the exterior surface of a planar piece of material, it

does not utilize the planar material to form the character. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of these claims upon this basis.

Additionally, the clarification of this feature renders these claims non-obvious in view of the combination of the Guglielmi and Mills '529 references. As stated above, the Guglielmi reference does not teach that the planar structure forms a portion of the exterior surface of the body of the character, it also does not suggest such a structure. Furthermore, in every embodiment described in the Mills '529 reference, the planar item (the sleeping bag) is folded and housed within portions of the clothing comprising the doll and no part of the planar item forms the exterior of the character. The teaching of completely enclosing the sleeping bag within the body of the doll is particularly evident in a section circled by the Examiner at Column 4, beginning at line 58. Specifically, it states that "In order to completely enclose the sleeping bag 20 within the doll and to retain the same therein".

This language clearly indicates the desire to have the sleeping bag completely enclosed and retained in the body of the doll. This is not the concept of Claims 22 and 23 of the present invention, as amended. Upon this basis, Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

Applicant has submitted new Claim 27, identical to original

Claim 1 except that the limitations added to Claims 22 and 23 have been added thereto. Applicant believes this claim to be allowable for the reasons stated above with regard to Claims 22 and 23 and respectfully requests that the Examiner allow this claim.

Accordingly, Applicant believes independent Claims 1, 22, and 23, as amended, and new Claim 27 are patentable in view of the cited references and accordingly respectfully requests that the claims be reconsidered and allowed upon such reconsideration. Additionally, Applicant believes that the remaining claims that are dependent upon the independent claims are further differentiated from the cited prior art based upon the amendments to the independent claims and are, therefore, allowable based upon those amendments as well as providing further limitations that render the claims allowable.

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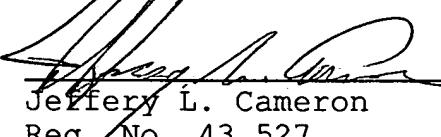
Respectfully submitted,

Mary M. Ponthan

By her attorney,

Date

5/24/02


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APPENDIX A: Support for Claim Amendments

CLAIM AMENDMENT SUPPORT, 05/24/02
SN 09/680,817 filed 10/05/00
Docket No. 19420/101/101
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The following amendments are sought for entry, underlined material added, bracketed parts deleted:

IN THE CLAIMS

1. A combination flexible planar item and character, comprising:
a flexible planar item, that when manipulated, takes on the appearance of a character, said character comprising said planar item arranged to form a character body, said body having an exterior surface and having at least one character feature generally present on said exterior surface.
2. A combination flexible planar item and character according to Claim 1, wherein said flexible planar item is manipulated by folding.
3. A combination flexible planar item and character according to Claim 1, wherein said flexible planar item is manipulated by rolling.
4. A combination flexible planar item and character according to Claim 1, wherein said flexible planar item is manipulated by folding and rolling.

5. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is a facial feature.

6. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is an appendage.

7. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is an article of clothing.

8. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is placed onto said flexible planar item by adhesive means.

9. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is placed onto said flexible planar item by a bonding means.

10. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is affixed onto said flexible planar item by sewing.

11. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is affixed onto said flexible planar item by a snap.

12. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is affixed onto said flexible planar item by hook and loop fasteners.

13. A combination flexible planar item and character according to Claim 1, wherein said at least one character feature is affixed onto said flexible planar item by rivets.

14. A combination flexible planar item and character according to Claim 1, wherein said flexible planar item is a generally rectangular shape.

15. A combination flexible planar item and character according to Claim 1, wherein said flexible planar item has a plurality of edges and wherein at least one edge is fringed and wherein said planar item is manipulated, said fringe forms a characteristic of said character.

16. A combination flexible planar item and character according to Claim 1, wherein the shape of said character body is maintained by a belt placed around said body to encircle said body.

17. A combination flexible planar item and character according to Claim 16, wherein said belt is integral with said planar item.

18. A combination flexible planar item and character according to Claim 1, wherein said flexible planar item has first and second surfaces, first, second, third, and fourth edges, a corner connecting said third edge with said second edge, and wherein said at least one character feature is placed on said first surface, generally proximate to said corner.

19. A combination flexible planar item and character according to Claim 18, wherein said flexible planar item is constructed and arranged to form said character by being [is] folded in half, by orienting said fourth edge over said third edge and a portion of said second surface over itself, to form a folded edge and a half sized planar item; folding one third of said half sized item, from said folded edge, to form a rectangle having two short edges and two long edges, and an exterior surface, said exterior

surface having said at least one character feature oriented thereon.

20. A combination flexible planar item and character according to Claim 19, wherein said flexible planar item is rolled, beginning at said short edge distal to said corner until the entire flexible planar item is rolled, forming a generally cylindrical character body having said character feature generally oriented upon the exterior of said character body.

21. A combination flexible planar item and character according to Claim 1, wherein said character feature is embroidered onto said flexible planar item.

22. A combination flexible planar item and character, comprising:

a flexible planar item having at least one character feature present thereon, said flexible planar item being folded and rolled to form a generally cylindrical character body, wherein at least a portion of said rolled item forms a portion of the exterior surface of said body, said body having said character feature oriented generally upon the exterior of said character body.

23. A method of creating a combination character from a flexible planar item, the steps comprising:

providing a flexible planar item having first and second surfaces, and at least first, second, and third edges, and at least one character feature placed on said first surface; and

manipulating said flexible planar item [forming] to form a character body having said character feature oriented upon the exterior of said character body, at least a portion of said exterior of said character body form from said planar item.

24. The method according to Claim 23, wherein the step of manipulating is provided by folding said planar item to form a character body.

25. The method according to Claim 23, wherein the step of manipulating is provided by rolling said planar item to form a character body.

26. The method according to Claim 23, wherein the step of

manipulating is provided by folding and rolling said planar item to form a character body.

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